



LODI CITY COUNCIL

**Carnegie Forum
305 West Pine Street, Lodi**

"SHIRTSLEEVE" SESSION

Date: January 12, 2010

Time: 7:00 a.m.

For information regarding this Agenda please contact:

Randi Johl

City Clerk

Telephone: (209) 333-6702

***NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk, located at 221 W. Pine Street, Lodi, and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.*

Informal Informational Meeting

A. Roll Call by City Clerk

B. Topic(s)

B-1 Discussion of On-Street Parking Regulations for Motor Homes (CA)

C. Comments by Public on Non-Agenda Items

D. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Randi Johl
City Clerk



**CITY OF LODI
COUNCIL COMMUNICATION**

TM

AGENDA TITLE: Discussion of On-Street Parking Regulations for Motor Homes

MEETING DATE: January 12, 2010 Shirtsleeve

PREPARED BY: City Attorney's Office

BACKGROUND INFORMATION: At the request of Lodi residents, the City Council requested that staff bring forward a discussion on regulations that cities have adopted to address motor home on-street parking.

California Vehicle Code Section 22507 authorizes cities to adopt local ordinances limiting or prohibiting parking on city streets. California's courts have specifically interpreted Section 22507 to permit cities to regulate on-street motor home parking (*Homes on Wheels v. City of Santa Barbara* [2d dist 2004] 119 Cal.App.4th 1173). The legality of imposing the regulation of course does not forestall its potential for controversy. A number of cities, including Napa, Oakland and Burbank, abandoned draft ordinances in the face of stiff public opposition.

Cities weathering the controversy considered a number of approaches including:

- 1) **Permits:** A permit system whereby RV owners could apply for a permit to park their RV's on city streets for limited periods of time. An RV owner could request a permit for a limited time to visit relatives or to load and unload an RV before or after a vacation under such a system but not be allowed to use the street for storage of the RV. Advantages of this approach are that it prevents citizens from gaming the time limits by briefly moving the vehicle and re-parking it. Problems with this approach include objections that permits create an administrative burden on RV owners and staff and require revenue to fund the permit process. One solution for citizen and staff issues could be to create a web-based self-service permit system. However there remains the cost to create the system.
- 2) **Time Limits:** Limiting parking to something less than 72 hours. Advantages include limited administrative and citizen effort (beyond actual enforcement). Unfortunately it does have the potential for gamesmanship in the form of short-term moves. Some cities have added a one-hour or one-mile rule to the time limit but even this could encounter difficult proof problems.

Samples of ordinances are attached for Council's review and discussion. An additional question for consideration is whether to apply the ordinance in residential zones or expand to some or all other zones.

Homes on Wheels did raise the "public notice" complication posed by Vehicle Code 22507. Section 22507 states: "the ordinance or resolution shall not apply until signs or markings giving adequate notice thereof have been placed." The court stressed that the notice requirement is important to insure that non-residents do not get caught in an unknowing violation. Section 22507 does not give much guidance on what level of notice is required. *Homes on Wheels* adds some small guidance suggesting that mass

APPROVED:

Blair King, City Manager

signage of each block is not required. It leaves open what constitutes adequate signage, however, stating:

“because this ordinance is a uniform citywide parking ban, we do not necessarily agree with Home’s suggestion that the City must post every street corner in town. Yet, they correctly note that the City’s evidence was insufficient to show adequate posting. ... [The evidence] did not explain the reasons for the selection of each of the 33 [posted] sites. Moreover, the City Attorney conceded that not all the entrances to the City were posted. Therefore a motorist, unaware of the restrictions, could enter the City, park on a non-posted street and be cited. That is the classic trap for the unwary that the Legislature wanted to prevent.

The signs do not state that the restrictions apply citywide. A motorist could therefore read the sign and believe it applied only to the street where it had been posted.”

Homes on Wheels at 1179-1180. Reading the above it appears that the Courts would require a single sign to be posted at all City entrances setting forth a clear and concise statement of the rule.

Code Enforcement staff requests that the ordinance also prohibit the use of extension cords over the right-of-way. Although already prohibited by our encroachment ordinance, it would be a good idea to include it here as well to publicize the prohibition in an area it is frequently abused.

FISCAL IMPACT: Unknown, but there would be a cost associated with signs and a permit system and enforcement.

FUNDING AVAILABLE: None identified.

Stephen Schwabauer
City Attorney